

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT BANKS,
Plaintiff,

v.

NORINA K. BLYNN, et al.,
Defendants.

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CIVIL NO. 4:CV-07-1504

(Judge Jones)

MEMORANDUM

September 7, 2007

Background

Robert Banks ("Plaintiff"), an inmate presently confined at the State Correctional Institution, Graterford, Pennsylvania ("SCI-Graterford"), initiated this *pro se* civil rights action. Named as Defendants are Clerk of Court Norina K. Blynn and Prothonotary Irene M. Bizzoso of the Pennsylvania Supreme Court, the Chester County Public Defender's Office and Public Defender Nicole Thompson, Esq. His action asserts due process claims relating to his criminal conviction in the Chester County Court of Common Pleas and ensuing state appeal.

By Administrative Order dated August 16, 2007, the Plaintiff was directed to submit either the required filing fee or file a properly completed *in forma pauperis* application and authorization form. See Doc. 4. A response to that

Order has not been received. However, on September 4, 2007, Plaintiff filed a letter indicating that he did not wish to pursue this matter in light of his initiation of two similar civil rights actions. See Doc. 5. In his letter, Banks states that “I would like to drop my claim against State Supreme Court Clerk of Courts regarding my appeal.” Id. at 1. His letter adds that this action “only complicates the issues.” Id.

Banks’ request will be construed as a motion seeking voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(i). The Court will grant Plaintiff’s motion and his action will be dismissed without prejudice to Banks’ renewal of his claims. However, Plaintiff is forewarned that renewal of his claims is subject to Pennsylvania’s statute of limitations for a personal injury action. See Wilson v. Garcia, 471 U.S. 261, 276 (1985). An appropriate order shall enter.

JOHN E. JONES III
United States District Judge